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EXAMINER

BACHNER, REBECCA M

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/556,303

Applicant(s)

RUVOLO ET AL.

Examiner

Rebecca M Bachner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Detailed Action

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. This is a Final Office Action in response to the communication received May 27, 2003. Claims 1-22 are pending.

The examiner accidentally placed claims 17-22 under the 35 USC 103 claim rejection heading when in fact the examiner never changed claims 17-22 and they should have properly been maintained as a 102 rejection. Therefore, in this Final Office Action, claims 17-22 are now placed under the proper headings and the rejections themselves have not changed since the first office action.

The examiner did not improperly reject claims 6, 9, 10, or 15 as these claims are dependent upon claims that the applicant amended and therefore were properly rejected under 35 USC 103.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Bisdikian et al. (P.N. 5,974,406).

As per claim 17, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, said method comprising:

Storing one or more calendar events in computer storage (see column 3, lines 3-10, and 49-58, the events are stored in computer storage);

Storing matching data as said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server), and

Matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 4, lines 44-67, through

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column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event).

As per claim 18, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, as per claim 17, said method further comprising: moving at least one of said at least two calendar events from an event repository to a match repository upon matching said at least two calendar events (see figures 1 and 3, and column 4, lines 44-67, through column 5, lines 1-53, when a match is created, the events are moved to a different repository, where the type of notification is determined).

(Amended) As per claim 19, Bisdikian et al. discloses a method of providing a generic matching service utilizing an electronic calendar system, as per claim 17 wherein notifying said entities associated upon matching via adding said entities to said calendar event (see column 5, lines 7-36, the attendees are notified of the calendar events).

As per claim 20, Bisdikian et al. discloses an article of manufacture comprising user medium having computer readable program code embodied therein which provides a generic matching service utilizing an electronic calendar system comprising:

Computer readable program code for retaining one or more calendar events (see column 3, lines 3-10, and 49-58, the events are retained);

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Computer readable program code for representing matching data via said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server); and

Computer readable program code for matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 5, lines 1-53, the parties are notified of their match and the event is scheduled on each of their calendars).

As per claim 21, Bisdikian et al. discloses a computer program product usable with a programmable computer having computer readable program code embodied therein providing a generic matching service utilizing an electronic calendar system comprising:

Computer readable program code for retaining one or more calendar events (see column 3, lines 3-10, and 49-58, the events are retained);

Computer readable program code for representing matching data via said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server); and

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Computer readable program code for matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event).

As per claim 22, Bisdikian et al. discloses a system comprising computer readable program code, said program code embodied upon and divided among multiple computer storage systems, said program code processing code processing data between the divided portions of said program code over a network for providing a generic matching service utilizing an electronic calendar system, comprising:

Computer readable program code for retaining one or more calendar events (see column 3, lines 3-10, and 49-58, the events are retained);

Computer readable program code for representing matching data via said calendar events (see column 3, lines 3-10, and 49-58, and column 5, lines 7-54, the matching data is stored and placed in the calendar events);

Computer readable program code for providing said calendar events to a match server (see column 5, lines 7-54, the calendar events are matched using a server); and

Computer readable program code for matching at least two calendar events based upon said matching data to thereby associate two or more entities via said match server (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-13, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian et al. (P.N. 5,974,406) in view of Ralston et al. (P.N. U.S. 6,389,454).

(Amended) As per claim 1, Bisdikian et al. discloses a system for anonymously matching of entities using an electronic calendaring system, said system comprising:

Computer storage retaining one or more calendar events for a plurality of entities, said calendar events representing match data comprising one or more relations, said relations comprising where an activity is to occur, what an activity is, minimum matching requirements, or attributes of an activity of an entity (see column 3, lines 59-63, and column 4, lines 9-14, the activity is buying or selling an item; this activity looks for a match that fits its minimum requirements; the attributes of the entity, or the activity, is disclosed);

A match server, said match server operatively connected to said computer storage, and wherein said match server matches at least two calendar events to thereby associate two or more entities based upon said matching data (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller; the

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parties are notified of their match and the event is scheduled on each of their calendars).

Bisdikian et al. discloses the use of various criteria for matching an event, but does not explicitly disclose matching the data comprising the timing of an event. However, Ralston et al. discloses a matching and scheduling system that uses the time of an event to match the event (see column 3, lines 50-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose the matching including timing information as the time that the event occurs is important in determining if it is a good match. One would have included the time of the event to more reliably match a buyer and a seller.

(Amended) As per claim 2, Bisdikian et al. discloses a system for anonymous matching of entities utilizing an electronic calendaring system, as per claim 1, said system further comprising: a notifying element, said notifying said entities associated upon matching said at least two calendar events (see figures 4-5, and column 5, lines 7-36, the entities are notified of the match).

(Amended) As per claim 3, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 2 wherein said notifying element notifies said entities associated via adding said entities to said at least two calendar events (see column 5, lines 7-36, the attendees are notified of the calendar events).

(Amended) As per claim 4, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 1, wherein said relations are represented by one or more categories (see column 3, lines 11-46, and column 4, lines 9-14, the system can match multiple categories of data. The example given in the patent includes buying and selling cars, but the patent is directly applicable to many categories of buying and selling, such as the matching of buyers and sellers of clothing, pets, and food).

As per claim 6, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 4, wherein said categories comprise any of a commerce activity, service desired, service offered, item for sale, item desired for purchase, request for quote delivery or pickup of an item or person(s), replenishment of supplies, or the reservation of the use of a facility, place, vehicle, or object (see column 3, lines 11-24, and column 4, lines 9-14, the categories comprise buyers and sellers of a particular good).

(Amended) As per claim 7, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 6 (see column 4, lines 9-14, a buyer and seller are anonymously matched based on attributes). Bisdikian et al. does not explicitly disclose wherein a multiplicity of times for a commerce activity are available at variable prices or rates and which the most favorable

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is selected. It is common and well-known in the art to have multiple prices and times for an activity and that the cost would vary depending on the time. It is also common in the art to consider both the price and the time when matching a buyer and seller as these factors are essential to the completion of the activity. A match of the optimum price and time is advantageous to both the buyer and the seller. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s system select the match within a multiplicity to times at the most favorable price or rate as it increases customer confidence in using the matching system since both the buyer and the seller would receive the best possible price and time.

As per claim 8, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 7 (see column 4, lines 9-14, a buyer and seller are anonymously matched based on attributes). Bisdikian et al. does not explicitly disclose wherein the user selects the most favorable. It is common and well-known in the art to have multiple prices and times for an activity and that the cost would vary depending on the time. It is also common in the art for a user to consider both the price and the time when matching a buyer and seller as these factors are essential the completion of the activity. A match of the optimum price and time is advantageous to both the buyer and the seller. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s system allow a user to select the match within a multiplicity to times at the most favorable price or

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rate as it increases customer confidence in using the matching system since both the buyer and the seller would receive the best possible price and time.

As per claim 9, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 1, wherein said system may be implemented locally or remotely on one or more computer-based systems, across networks or existing communication mediums (see column 3, lines 49-58, the matching is implemented on a computer based network).

As per claim 10, Bisdikian et al. discloses a system for anonymously matching of entities utilizing an electronic calendaring system, as per claim 9, wherein said across networks element comprises any of LANs, WANs, cellular, Internet or Web based networks (see column 3, lines 49-58, the matching is implemented on an Internet, or Web based network).

(Amended) As per claim 11, Bisdikian et al. discloses a calendaring system providing a generic match service which utilizes a first calendar event to represent matching data comprising:

A structured calendar event entry interface, said interface requesting one or more relations, said relations comprising entry of information of an activity to be matched, attributes of an entity entering said first calendar event, and requirements for a match (see column 3, lines 59-63, and column 4, lines 9-14, the event is requested to be

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matched; the event can be the buying or selling an item; the event looks for a match that fits its minimum requirements; the attributes of the entity or the event are disclosed);

A computer storage medium retaining said first calendar event and associated calendar, said first calendar event entered in said computer storage medium via said interface (see column 3, lines 3-10, and 49-58, the event is entered into the storage medium via the interface);

A match server operatively connected to said computer storage medium, said match server matching said first calendar event to a second calendar event based upon at least one of said information, said attributes, or said requirements (see column 4, lines 44-67, through column 5, lines 1-53, a match server connects the buyer and the seller based on the attributes or requirements of the event); and

Wherein, upon matching said first calendar event to said second calendar event, said entity entering said first calendar event is notified of said match (see column 5, lines 1-53, the parties are notified of their match and the event is scheduled on each of their calendars).

Bisdikian et al. discloses the use of various criteria for matching an event, but does not explicitly disclose matching the data comprising the timing of an event or when it will occur. However, Ralston et al. discloses a matching and scheduling system that uses the time of an event to match the event (see column 3, lines 50-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose the matching including timing information as the time that the event occurs is

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important in determining if it is a good match. One would have included the time of the event to more reliably match a buyer and a seller.

(Amended) As per claim 12, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11 wherein said notification is performed via adding entities associated in said match to said first calendar event (see column 5, lines 7-36, the attendees are notified of the calendar events).

(Amended) As per claim 13, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11, wherein said relations are represented by one or more categories, and said categories are capable of being represented by said first calendar event (see column 3, lines 11-46, and column 4, lines 9-14, the system can match multiple categories of data. The example given in the patent includes buying and selling cars, but the patent is directly applicable to many categories of buying and selling, such as the matching of buyers and sellers of clothing, pets, and food).

As per claim 15, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 11, wherein said system may be implemented locally or remotely on one or more computer-based systems, across networks or existing communication

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mediums (see column 3, lines 49-58, the matching is implemented on a computer based network).

As per claim 16, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 15, wherein said across networks element comprises any of LANs, WANs, cellular Internet or Web based networks (see column 3, lines 49-58, the matching is implemented on an Internet, or Web based network).

6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisdikian et al. (P.N. 5,974,406) in view of Ralston et al. (P.N. U.S. 6,389,454) in further view of Durand et al. (P.N. 6,272,467).

As per claim 5, Bisdikian et al. discloses a system for anonymous matching of entities utilizing an electronic calendaring system, as per claim 4. Bisdikian et al. does not explicitly disclose wherein said categories comprise at least one of personal matching, job positions, job qualifications, meetings and activities. Durand et al. does teach of matching job hunters with employment opportunities using qualifications and other criterion (see abstract) in an analogous art for the purpose of matching the job seekers with the open positions. Therefore, it would be obvious to one of ordinary skill

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in the art at the time of the invention to have Bisdikian et al.'s matching system also provide Durand et al.'s job matching function, as it allows the system to be more comprehensive since it combines both the user's buying/selling needs in addition to scheduling meetings and job position matching.

As per claim 14, Bisdikian et al. discloses a calendaring system providing a generic matching service which utilizes a first calendar event to represent matching data, as per claim 13. Bisdikian et al. does not explicitly disclose wherein said categories comprise at least one of personal matching, job positions, job qualifications, meetings and activities. Durand et al. does teach of matching job hunters with employment opportunities using qualifications and other criterion (see abstract) in an analogous art for the purpose of matching the job seekers with the open positions. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s matching system also provide Durand et al.'s job matching, as it allows the system to be more comprehensive since it combines both the user's buying/selling needs in addition to scheduling meetings and job position matching.

Applicants Arguments

7. The applicant argues that 1) Bisdikian et al. and Ralston et al. do not teach that the activities takes place at a certain time period and providing a match based upon the timing of an event, 2) Bisdikian et al. does not teach the use of anonymous entities, 3) Bisdikian et al. does not teach calendar events as a part of the search criteria for a match; and 4) Bisdikian et al. does not teach wherein the system is implemented across networks or existing communication mediums.

Applicant also argues that 5) it would not have been obvious to select the match from a multiplicity of times for a commerce activity; and 6) Bisdikian et al. and Durand et al. do not together teach matching compatible profiles in an electronic calendaring environment.

As per applicant's argument 1), Bisdikian et al. does teach arranging an event, such as a meeting, based on a schedule with dates and times (see column 2, lines 13-33). Bisdikian et al. does not explicitly disclose matching the data comprising the timing of an event. However, Ralston et al. discloses a matching and scheduling system that uses the time of an event to match the event (see column 3, lines 9-64, and column 4, lines 50-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to disclose the matching including timing information as the time that the event occurs is important in determining if it is a good match. One would have included the time of the event to more reliably match the buyer and a seller disclosed in Bisdikian et al.

As per applicant's argument 2), as the examiner has stated before, the applicant never explicitly claimed anonymous entities. The applicant merely claimed an anonymous matching of entities. Bisdikian does teach an anonymous matching system as the disclosed system matches the entities based on attribute criteria (see column 2, lines 34-52). The log-in of the user does not effect the matching of the entities. Therefore, Bisdikian teaches the anonymous matching of entities.

As per applicant's argument 3), Bisdikian et al. does teach calendar events as a part of the search criteria for a match. The applicant never claimed the order in which the matching steps must be completed and Bisdikian et al. teaches that the calendar events are matched using a server in column 5, lines 7-54. Furthermore, Bisdikian et al. does not create a match until the calendar events are matched. Bisdikian et al. gathers together possible buyers and sellers and only matches them if the calendar events criteria match. Therefore, Bisdikian et al. does teach calendar events as a part of the search criteria for a match.

As per applicant's argument 4), Bisdikian et al. does teach in column 3, lines 49-58, that the system is implemented across networks or existing communication mediums. Bisdikian et al. teaches that the matching system is implemented over the world wide web and web based communication networks.

As per applicant's argument 5), it would have been obvious to select the match from a multiplicity of times for a commerce activity as it is common and well-known in the art to have multiple prices and times for an activity where the cost would vary depending on the time. It is also common in the art to consider both the price and the

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time when matching a buyer and seller as these factors are essential to the completion of the activity. A match of the optimum price and time is advantageous to both the buyer and the seller. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s system select the match within a multiplicity to times at the most favorable price or rate as it increases customer confidence in using the matching system since both the buyer and the seller would receive the best possible price and time.

As per applicant's argument 6), Bisdikian et al. and Durand et al. do teach matching compatible profiles in an electronic calendaring environment. Bisdikian et al. teaches matching users by search profiles using an electronic calendaring system (see column 2, lines 25-52). Durand et al. was used in combination with Bisdikian et al. in claims 5 and 14 as Bisdikian et al. does not explicitly disclose wherein said categories comprise at least one of personal matching, job positions, job qualifications, meetings and activities. Durand et al. does teach of matching job hunters with employment opportunities using qualifications and other criterion (see abstract) in analogous art for the purpose of matching the job seekers with the open positions. It would be obvious to one of ordinary skill in the art at the time of the invention to have Bisdikian et al.'s search profile matching system also provide Durand et al.'s job matching function, as it allows the system to be more comprehensive since it combines both the user's buying/selling needs in addition to scheduling meetings and job position matching.

Conclusion

8. No claims allowed.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rebecca Bachner** whose telephone number is 703-305-1872. The examiner can normally be reached on Monday - Friday from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tariq Hafiz** can be reached on **(703)305-9643**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 305-7687 Official communications; including After Final
communications labeled "Box AF"

(703) 746-7306 Informal/Draft communications, labeled "PROPOSED" or "
DRAFT"

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.

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June 20, 2003


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600